

REMARKS

Receipt of the Office Action of April 18, 2008 is gratefully acknowledged.

Regarding priority, the statement found on page 2 of the Office Action is not understood. That is, the statement: “[t]he certified copy has been filed in parent Application No. DE 10328296, filed on 23 June 2003,” is not understood. Please clarify.

Claims 10 - 18 are rejected as indefinite under 35 USC 112, second paragraph. In reply, claims 10 - 18 have been amended to overcome this rejection. The examiner’s guidance in this respect is gratefully appreciated.. In amending claim 12, the examiner’s objection has been noted and a correction made. In this regard, “the application allowable process variable” has been changed to “an application allowable process variable.”

The rejection of claims 10 - 16 under 35 USC 102(b) by Langdon; and the rejection of claims 17 and 18 under 35 USC 103(a) by Langdon in view of Hager et al are noted and respectfully traversed.

Langdon does not discuss accretion as one possible fault, nor is there a discussion of how the normal operating range is to be defined. Claim 10 recites the measured and/or calculated dependencies and the frequency change associated with a maximum allowable accretion. Claim 10, therefore, cannot, it is respectfully submitted, be anticipated by Langdon because of the dependencies and accretion noted in claim 10 but not in Langdon.

Moreover, Langdon lacks any teaching of an adjustable over-value which is recited in claim 16. Claim 16 depends from claim 10 and recites the over-value limitation not found in Langdon. Langdon, therefore, cannot anticipate claim 16

either.

Regarding claims 17 and 18, Hager et al makes no reference to accretion. Nor is there any mention of faults or malfunctions or disturbances of the performance of the measuring unit. Hager et al also does not mention frequency changes caused by an allowable accretion.

It is respectfully submitted that Langdon alone or in combination with Hager et al cannot anticipate or render obvious the invention defined in claims 10 - 18.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 10 - 18 found allowable.

Respectfully submitted,
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